

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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2005-05-09

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

03.05.2005

Applicant's or agent's file reference
P06223PC00 ANH

IMPORTANT NOTIFICATION

International application No.
PCT/SE 03/01964

International filing date (day/month/year)
17.12.2003

Priority date (day/month/year)
18.12.2002

Applicant
PERSONAL CHEMISTRY I UPPSALA AB et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P06223PC00		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/SE 03/01964	International filing date (day/month/year) 17.12.2003	Priority date (day/month/year) 18.12.2002	
International Patent Classification (IPC) or both national classification and IPC B01J19/12			
Applicant PERSONAL CHEMISTRY I UPPSALA AB et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 01.07.2004		Date of completion of this report 03.05.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer de la Tassa Laforgue Telephone No. +31 70 340-3696 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/SE 03/01964

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-18 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6-9
	No: Claims	1-5,10-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.- Reference is made to the following document:

D1: US 6 403 939

2.- The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of its main claims is not new in the sense of Article 33(2) PCT.

Independent claims

3.- With respect to independent claim 1, attention is directed to D1 which represents the most relevant state of the art and which discloses (*the references in parentheses applying to this document*) a microwave heating system comprising:

- a plurality of microwave applicators for heating loads arranged in said applicators (*see claim 1*),
- a control means (*see claim 1.c*),
- one microwave generator to generate microwave energy having a controllable frequency and power level (*see claim 1.a*), and
- a microwave switch arranged to connect said microwave generator to each of said applicators (*see column 4, lines 12-15*),

wherein each microwave applicator is dedicated a heating time slot in a time frame, and that said time frame comprises time slots for loads in applicators to be heated, wherein during microwave heating, microwave energy is applied to said microwave applicators in its respective time slot, in consecutive time frames (*see column 4, lines 45-50*).

Therefore claim 1 is not new

4.-The same reasoning applies, mutatis mutandis, to the subject-matter of independent claim 13, which corresponds to a method for heating loads using the microwave heating system of claim 1.

Therefore claim 13 is not new.

Dependent claims

5.- The subject-matter of claims 2,4-7,10-12 and 15-18 is known from the prior art documents cited in the search report and indeed for :

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/SE 03/01964

- **Claims 2 and 12** (i.e. microwave energy coupled to each applicator by the switch):
see D1; claim 1 and column 4, lines 12-15.
- **Claim 4** (i.e. amplifier):
see D1; column 3, lines 32,33.
- **Claim 5** (i.e. microwave switch controlled by control means):
see D1; claim 1.
- **Claim 10** (i.e. microwave applicator matrix):
see D1; column 15, lines 57-59 and Fig. 5.
- **Claim 11 and 16-18** (i.e. load is a chemical reaction mixture):
see D1; abstract.
- **Claim 15** (i.e. optimization by changing the frequency):
see D1; column 18; lines 61-66.

Therefore the subject-matter of claims 2,4-7,10-12 and 15-18 lack novelty.

6.- The subject-matter of claims 6-9 (*i.e. duration of the time slots*) is regarded by the examiner as normal options for applying electromagnetic radiation to different samples *sequentially for a predetermined period of time (see column 4, lines 46,47)* and cannot be considered as involving an inventive step.

7.- An opinion on claims 3 and 14 cannot be given by the examiner since the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieve (*i.e. optimization with regard frequency and power level*) and they do not contain any technical feature.